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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SECURITIES AND EXCHANGE
11 COMMISSION,

12 Plaintiff,

13 v.

14 PATH AMERICA, LLC, et al.,

15 Defendants and

16 POTALA SHORELINE, LLC, et al.,

17 Relief Defendants.

CASE NO. C15-1350JLR

FIFTEENTH ORDER
REGARDING FEE
APPLICATIONS

18 Before the court are four quarterly fee applications: (1) Receiver Michael A.
19 Grassmueck's ("the Receiver") fourteenth interim fee application for \$6,646.00 in fees
20 and \$908.96 in expenses (Dkt. # 692); (2) the fifteenth interim fee application of the
21 Receiver's general counsel, Allen Matkins Leck Gamble Mallory & Natsis, LLP ("Allen
22 Matkins"), for \$29,936.25 in fees and \$2,953.67 in costs (Dkt. # 693); (2) the fifteenth

1 interim fee application of the Receiver's forensic accountant, Financial Forensics, for
2 \$4,158.00 in fees (Dkt. # 694); and (3) the twelfth interim fee application of the
3 Receiver's tax accountants, Peterson Sullivan LLP ("Peterson Sullivan"), for \$7,805.25
4 in fees and \$1,377.30 in expenses (Dkt. # 695). As described below, the court GRANTS
5 the fee applications of the Receiver, Allen Matkins, Financial Forensics, and Peterson
6 Sullivan (Dkt. ## 692-95).

7 The Receiver's counsel filed all of the foregoing motions on August 22, 2019, and
8 properly noted them for the court's consideration on September 6, 2019. (*See id.*)
9 Because Monday, September 2, 2019, was Labor Day, any opposition to the motions was
10 due no later than Tuesday, September 3, 2019. *See* Local Rules W.D. Wash. LCR
11 7(d)(3) ("Any opposition papers shall be filed and served no later than the Monday before
12 the noting date."); *see id.*, LCR 7(d)(5) ("If the deadline for a party's response . . . falls on
13 a date that is a legal holiday . . . , the party's response . . . is due on the following day that
14 is not a Saturday, Sunday, or legal holiday); *see also* Fed. R. Civ. P. 6(a)(6)(A) (defining
15 Labor Day as a legal holiday). No party filed an opposition to any of the motions. (*See*
16 *generally* Dkt.)

17 The court finds that (1) the fees and costs requested in each of the fee applications
18 listed above are reasonable and necessary, (2) the notice of the fee applications was
19 appropriate, (3) the fee applications are made in accordance with the Order Appointing
20 Receiver (*see* OAR (Dkt. # 88) ¶¶ 55-59), and (4) the services provided were of
21 substantial benefit to the Receivership Estate. Each of the foregoing applicants seeks a
22 distribution of only 80% of the approved fees and costs at this time. (*See id.* ¶ 58

1 (“Quarterly Fee Applications may be subject to a holdback in the amount of 20% of the
2 amount of fees and expenses for each application filed with the Court.”); *see also* Dkt.
3 # 692 at 2; Dkt. # 693 at 2; Dkt. # 694 at 3; Dkt. # 695 at 4.)

4 Accordingly, the court GRANTS the fee applications (Dkt. ## 692-95) and
5 APPROVES on an interim basis the following application amounts for the period of
6 April 1, 2019, through June 30, 2019:

7 Applicant:	Fees:	Costs:	Total Allowed:
8 The Receiver	\$6,646.00	\$908.96	\$7,554.96
9 Allen Matkins	\$29,936.25	\$2,953.67	\$32,889.92
10 Financial Forensics	\$4,158.00	\$00.00	\$4,158.00
11 Peterson Sullivan	\$7,805.25	\$1,377.30	\$9,182.55

12 Finally, the court AUTHORIZES the Receiver to disburse the following
13 percentages of the foregoing approved fees and costs at this time:

- 14 (1) \$6,043.97 to the Receiver, which is 80% of the approved fees and costs;
15 (2) \$26,311.94 to Allen Matkins, which is 80% of the approved fees and costs;
16 (3) \$3,326.40 to Financial Forensics, which is 80% of the approved fees and
17 costs; and
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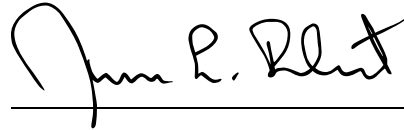
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1 (4) \$7,346.04 to Peterson Sullivan, which is 80% of the approved fees and
2 costs.

3 Dated this 4th day of September, 2019.

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6 JAMES L. ROBART
7 United States District Judge
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